

1827764 ✓

CASE FILE NO.

3405

MASTER ADDRESS NO.

NOTICE OF NONCOMPLIANCE
OR
NOTICE OF NONCOMPLIANCE
& PLAN OF CORRECTION



Oregon Department of Agriculture
Natural Resources Division
635 Capitol Street NE
Salem, Oregon 97301-2532
(503) 986-4700

Hogan Dairy Farms
CONFINED ANIMAL FEEDING OPERATION (CAFO)

Dave Hogan
CAFO OPERATOR'S NAME

2614 1st Street, Tillamook, OR 97141 503-842-3166
STREET ADDRESS, CITY, STATE, ZIP PHONE NUMBER

On January 25, 2018
MONTH, DAY, YEAR

Ben Krah
INSPECTOR'S NAME

of the Oregon Department of Agriculture met with you to review your compliance with the Oregon CAFO General Permit or the Oregon CAFO Individual Permit issued for your operation by the Department of Agriculture, and state laws and regulations relating to protection of the state's waters. The principal requirement of the permit is that animal wastes be managed so pollutants do not discharge into surface waters or impact groundwater. You are also required to contain, treat, hold and dispose of wastes in a manner that does not adversely impact water quality.

Based on the inspector's observations and report, the department concludes that conditions exist at your operation that are in violation of your CAFO permit and state water quality laws. The purpose of this **Notice of Noncompliance (NON)** or **Notice of Noncompliance & Plan of Correction (POC)** is to identify for you the conditions of your operation that are out of compliance and must be corrected. The department is committed to working with you as you take the necessary actions to bring your CAFO into compliance.

Description of Violation(s):

52.B(3) Production area Limitations

- Placing straw from calf hutches over bank, adjacent to surface H₂O, behind the calf barn in an area not approved for manure storage.

52.A(1) - Prohibitions and Discharge Limitations

- A discharge from the effluent control pond, adjacent to the digester discharged from the production area and entered waters of the state.

See Continuation #1

Required Corrective Action(s) and Compliance Schedule:

To correct the violation(s) you are directed to take the following actions by the date(s) indicated.

- By 2/29/18, remove straw from over the bank and reseed. Maintain compliance of CAFO permit condition 52.B as long as registered to permit.
- By 2/29/18, control all runoff from discharge area. Maintain compliance of CAFO permit condition 52.A as long as registered to permit.
- By 3/15/18, send ODA a plan of action to maintain compliance in the event the digester malfunctions. Maintain compliance of CAFO permit condition 52.F as long as registered to permit.

See Continuation #2

Thank you for your cooperation in these matters. If you have any questions, please contact me.

Under the Oregon Plan for Salmon and Watersheds, Oregonians across the state are working together in a spirit of cooperation to restore and maintain our rivers, lakes and streams for multiple uses. By completing the measures described above, you can do your part to protect and improve water quality.

Sincerely,

INSPECTOR'S SIGNATURE
Livestock Water Quality Specialist
CAFO Program, Natural Resources Division
Phone: 503-986-6468

Entered: 02/15/18

REVISED 7/2017

#1

Continuation of

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WQA

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Description of Violations:

52.E(3) Waste Storage Facilities

- Operator failed to have depth markers in the digester effluent control pond.

52.H- Proper Operation and Maintenance

- Operator failed to operate and maintain the digester portion of the manure system so that no unpermitted discharge occurred.

52.I- Maintaining compliance if system fails

- System (digester) not repaired in a timely manner.

54.D(1)(2)- Reporting Requirements

- Failure to report.

On December 3, 2017, a pump failed @ the digester, resulting in ~~effluent~~ effluent entering the effluent control pond through a overflow pipe. The effluent control pond overflowed 30,000-40,000 gallons of effluent that entered the adjacent field. The field has a ditch on the west side that flows eventually to Holguartin Slough. The discharge was not reported. Straw from the calf area was pushed over the bank behind the calf barns.

#2

Continuation of

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Required Corrective Actions:

- By 2/20/18 - Plant grass in discharge area.
- By 2/20/18 - Inspect digester and transfer system for proper operation daily and record. Maintain compliance of CAFO permit conditions SDH as long as registered to permit.
- By 3/15/18 - send construction engineering documents for new effluent control tank to department for review.
- Within 60 days of ODA approval, construct new effluent control tank to department for review.
- Report all discharges to ODA within 24 hours and follow all permit conditions.

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- ☐ WQA
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- Stop discharge by any means.
- Will contact contractor w/ excavator to berm up areas immediately
- Pump failed in digester which resulted in digested effluent entering the effluent control pond. The tip line in the pond created a mat so that when effluent entered from the 12" over flow, the effluent entered the field.
- Written reports will be submitted
- Follow All Permit Conditions

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- Collected Samples from area on north side of digester. Effluent containment pond is full. On December 3rd pump plugged resulting in digested material flowing to effluent containment pond and into field. 7 samples collected!

Sample #1 - From digester

2 - Adjacent to digester

3 - down hill from digester

4 - south side of cow lane culvert in ditch

5 - North side of cow lane in ditch next to culvert

6 - Upstream

7 - Down stream

Untitled Map

Misty Meadow 1-25-18 sample sites

Legend

- Tillamook Park and Ride



Google Earth

©2018 Google

700 ft

11827764

Confined Animal Feeding Operation Facility Inspection Report



Oregon

Department of Agriculture

 635 Capitol Street N.E.
Salem, OR 97301-2532

INSPECTION TYPE:

- ☒ Routine
☐ Follow-up
☐ Complaint
☐ Educational Review
- ☐ EPA
☐ Planning Assistance
☐ Announced ☐ Unannounced
☐ Other:

Date: 01/25/18 Arrival Time: _____ Departure Time: _____ License No.: 63405 Permitted Animal Numbers: 5,300
 Assumed Business Name: Hogan Dairy Farms
 Operator's Name: Dave Hogan E-mail Address: _____
 Address: 2614 1st Street
 City: Tillamook Zip: 97141 County: Tillamook
 Phone Number: 503-842-3166 Cell Phone Number: 503-853-9739

A Confined Animal Feeding Operation inspection was made at your facility on this date. Summary of inspection results is below.

LEGEND: C=Compliance N=Non-compliance NA=Not Applicable NE=Not Evaluated *=See Remark

ITEM	REMARKS
1. Livestock Inventory: _____ Total: _____	<u>Golden Mist (9090 Mill Creek Road) *</u> - visited @ area on N. with side of solid staging. - visitation would be prec. pit. - lagoon ~5' from top - solid storage area poorly empty - staging solids for bedding in low barn
C 2. Parlor, Milk House, Holding Pen a. Milk parlor/bulk tank waste water not properly drained b. _____	
C 3. Animal Confinement Facilities a. Manure accumulation on unprepared bare-earth surfaces b. Excessive uncontained manure accumulation on animal access lanes c. Openings through which manure or run-off can escape d. _____	
V 4. Manure and Silage Containment Facilities a. Uncontained manure stockpiled prior to or during rainy weather b. Uncontained manure stockpiled in or near drainage ways c. Uncontained contaminated run-off from silage bunker or feedstuffs d. Liquid manure facilities overflowing e. Manure storage facilities not emptied/prepared for start of rainy season f. Capacity of liquid manure facilities reduced by accumulation of solids g. Earthen embankments not properly maintained or leaking h. Facilities have openings through which manure or run-off can escape i. Roof run-off system failure can or does produce uncontained contaminated run-off or reduces manure storage capacity j. Pumps or agitators inoperable k. _____	<u>misty Meadow (time)</u> - calf hut straw pushed over bank - visited @ clean & dirty water mgt. - viewed @ slough on north side of farm - <u>AGLT ~2' from top</u>
5. Manure Application Areas Acres: _____ a. Manure applied to standing water or to soils that are saturated or flooded b. Manure applied to soils likely to be flooded in the next couple of months c. Liquid manure ponding on soils d. Contaminated surface and subsurface effluent from drainage tiles e. Manure or contaminated run-off flowing toward or into waters of the state f. Manure application exceeds agronomic rate g. Liquid manure applied during heavy rainfall h. Manure application not in accordance with AWMP i. Manure applied to frozen or snow-covered soils j. Manure application system failure k. _____	<u>River Mist (953 Makinster)</u> - separator tank ~1' from top - Back up tank ~6" from top → currently emptying. - Big tank ~1' from top
6. Animal Waste Management Plan (AWMP) and Recordkeeping a. Soil-sampling results or manure-sampling results b. Recordkeeping c. _____	<u>Entered: 01/30/18</u> <u>Nielson tank ~ 1/2 full</u> - will contact for Animal #'s - Application Records - Soil sample results will be sent w/ annual report

CONCLUSION:

- ☐ a. Facility in compliance. Thank you for your cooperation in protecting the quality of Oregon's surface and ground waters.
☐ b. On Schedule.
☐ c. Planning Assistance.
☐ d. Educational Review.
☐ e. Concern(s) identified. See attached Water Quality Advisory.
☒ f. Violation(s) identified. See attached Notice of Noncompliance and Plan of Correction.
☐ g. Final Inspection Results Pending.

Inspector Signature

Operator Signature